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FILED

IN CLERK'S OFFICE

U.S. DISTRICT COURT E.D.N.Y.

MAY 25 2005

*ADMITTED IN NY, NJ, PA, CT & CO
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P.M. _____
TIME A.M. _____

PLEASE REPLY TO: WHITE PLAINS, NY

FAX COVER SHEETFAX transmission from: Glenn B. Allyn Date: May 19, 2005From FAX number: (845) 268-6470To: 1. Hon. Sterling Johnson, U.S.D.J. Fax #: (718) 260-2467

CC:

2. Delia M. Guazzo, Esquire/ Guazzo & Guazzo Fax #: (646) 658-0599

Total number of pages, including cover: 2

RE: Carcione v. Brooklyn Navy Yard CV 01-0953 (SJ)(JA)

Your Honor had previously granted plaintiff's request to extend his time to submit opposition papers in response to defendants rule 56 motion until May 19, 2005. This was plaintiff's only request to extend such time. I called defendant's counsel yesterday looking for exhibits which I had not received by her courtesy e-mail. Today, in response to that request, defense counsel indicated same were on the electronic database. Defense counsel also corrected my mistake that papers were to be filed tomorrow which I calculated as three weeks from our date in Court. Defense counsel was right and submission is due today. Two weeks ago, my office, server and equipment was formally moved to White Plains, from my Rockland office. As a result of this server and equipment move (the Xerox copier scanner is not properly working and I have difficulties getting documents through adobe A computer tech will work with me all weekend to get the equipment properly functioning) I am having trouble scanning documents for submission and retrieving the electronically filed exhibits. I ask for an extension until Monday, so in the event the equipment is not working I can both hand serve and file the papers.

Although your Honor indicated that my prior request was final, under the circumstances I would ask that my time to file be extended to Monday, and defense counsel given four extra days to reply. There is no prejudice to defendant, and it is important to note that the defendants time to serve its papers were extended on several occasions, as well as a page limitation increased.

Defendant takes no position on this request.

We could still maintain the June 10, 2005 conference date and set a schedule for oral argument if necessary, or set a new conference date shortly after the June 14, 2005 date. The motion would be fully submitted on June 14, 2005.

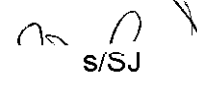
I am sending this request after speaking with chambers and with permission of chambers.

Thank you for considering the instant request.

Sincerely,


Glenn B. Allyn

SO ORDERED


s/sj
Sterling Johnson, U.S.D.J.

5/19/05
Dated:

If there is a problem with receipt of any of the pages of this facsimile transmittal, please call (845) 268-5900

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